JUSTICE
ACTUALITÉS REPORT

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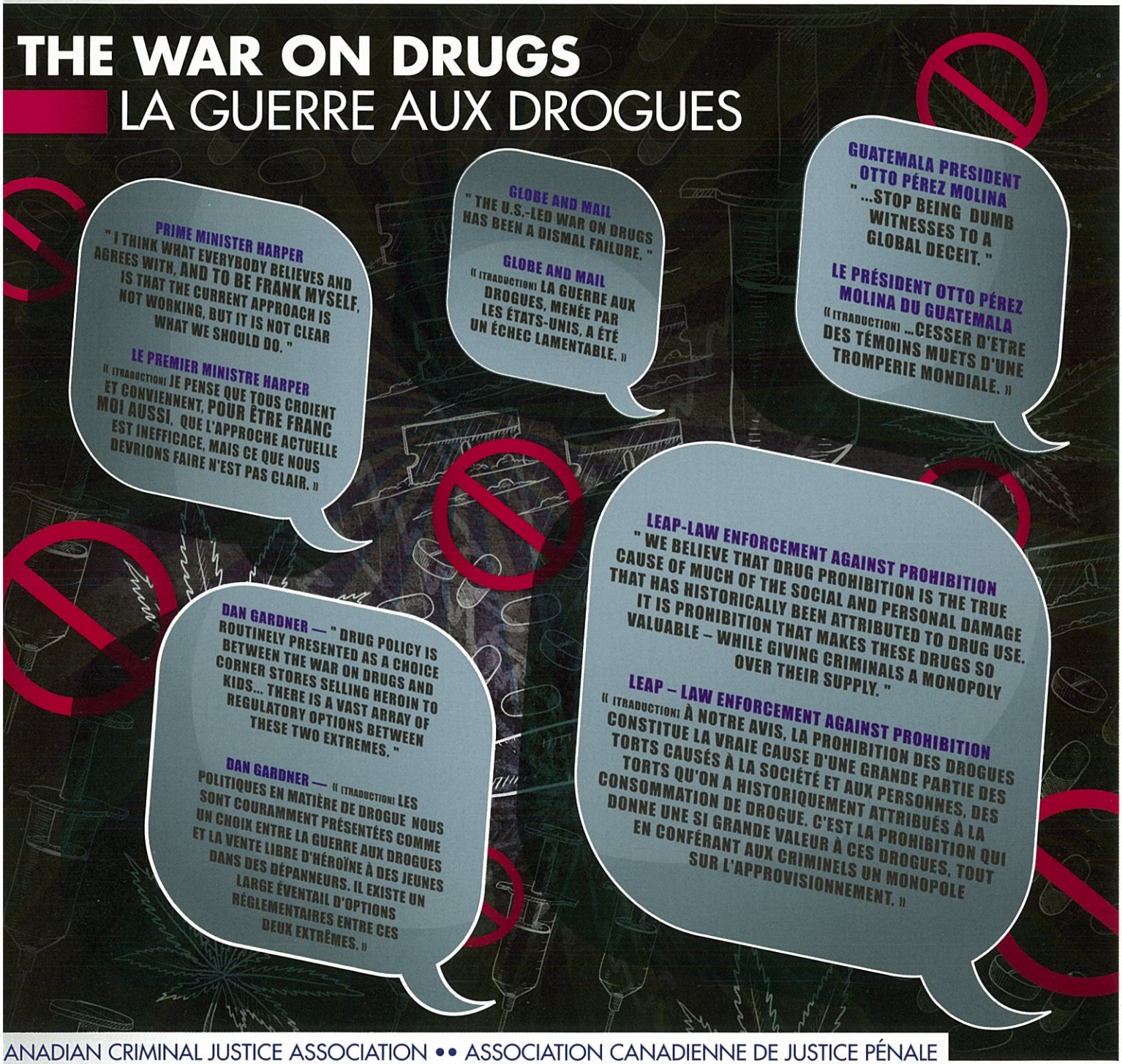
THE WAR ON DRUGS
LA GUERRE AUX DROGUES


PRIME MINISTER HARPER
" I THINK WHAT EVERYBODY BELIEVES AND AGREES WITH, AND TO BE FRANK MYSELF, IS THAT THE CURRENT APPROACH IS NOT WORKING, BUT IT IS NOT CLEAR WHAT WE SHOULD DO. "
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GUATEMALA PRESIDENT OTTO PÉREZ MOLINA
" ...STOP BEING DUMB WITNESSES TO A GLOBAL DECEIT. "
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((TRADUCTION)) ...CESSER D'ETRE DES TÉMOINS MUETS D'UNE TROMPERIE MONDIALE. »
DAN GARDNER — " DRUG POLICY IS ROUTINELY PRESENTED AS A CHOICE BETWEEN THE WAR ON DRUGS AND CORNER STORES SELLING HEROIN TO KIDS... THERE IS A VAST ARRAY OF REGULATORY OPTIONS BETWEEN THESE TWO EXTREMES. "
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LEAP-LAW ENFORCEMENT AGAINST PROHIBITION
" WE BELIEVE THAT DRUG PROHIBITION IS THE TRUE CAUSE OF MUCH OF THE SOCIAL AND PERSONAL DAMAGE THAT HAS HISTORICALLY BEEN ATTRIBUTED TO DRUG USE. IT IS PROHIBITION THAT MAKES THESE DRUGS SO VALUABLE – WHILE GIVING CRIMINALS A MONOPOLY OVER THEIR SUPPLY. "
LEAP – LAW ENFORCEMENT AGAINST PROHIBITION
((TRADUCTION)) À NOTRE AVIS, LA PROHIBITION DES DROGUES CONSTITUE LA VRAIE CAUSE D'UNE GRANDE PARTIE DES TORTS CAUSÉS À LA SOCIÉTÉ ET AUX PERSONNES, DES TORTS QU'ON A HISTORIQUEMENT ATTRIBUÉS À LA CONSOMMATION DE DROGUE. C'EST LA PROHIBITION QUI DONNE UNE SI GRANDE VALEUR À CES DROGUES, TOUT EN CONFÉRANT AUX CRIMINELS UN MONOPOLE SUR L'APPROVISIONNEMENT. »

ANADIAN CRIMINAL JUSTICE ASSOCIATION •• ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

JUSTICE
ACTUALITÉS REPORT

Volume 27 No. / N° 2

The **JUSTICE REPORT** contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada. For more information on the activities of the CCJA, please contact: •• L'**ACTUALITÉS-JUSTICE** renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada. Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec :

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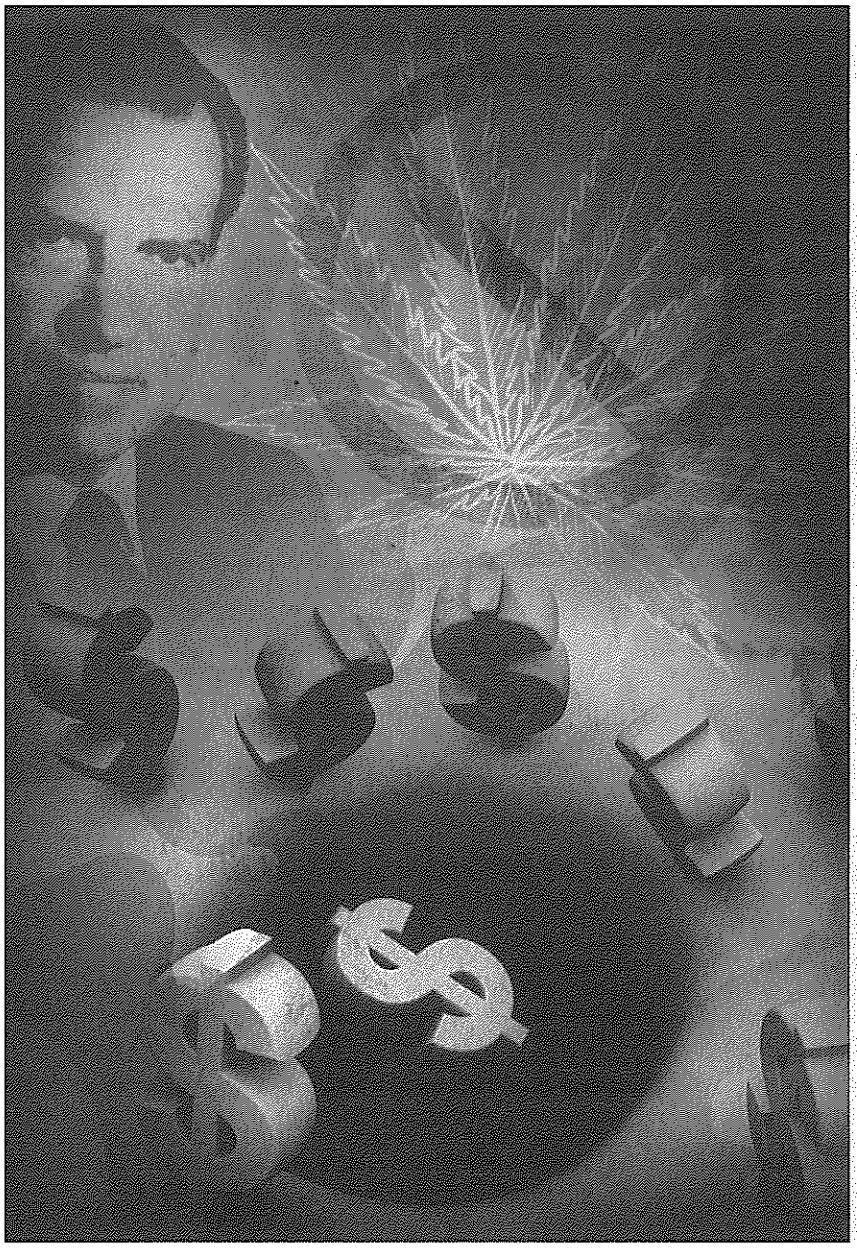
THE WAR ON DRUGS, WHERE TO?

BY IRVING KULIK,
CCJA EXECUTIVE DIRECTOR



In 1971, President Richard Milhous Nixon coined the term "War on Drugs" to launch the United States' programme of fighting the scourge of drug addiction, particularly that which was exhibited by the droves of returning Viet Nam veterans. His "war" was pursued with vigour once Ronald Regan was elected president. The word 'war' is a powerful symbol of unrelenting effort to deal with a conflict that usually cannot be resolved without the use of arms. We thus now have not only a 'war on terror', but also wars on obesity, junk food, various diseases, etc. It is ironic that we use the word 'war', which has traditionally led to the slaughter of literally hundreds of millions of people in the last century, in a context of improving the health and quality of life of our citizens. Perhaps it is not so ironic, since the first drug wars, in the middle of the nineteenth century, involved the invasion of China in order to open the Chinese opium market to British and American merchants.

Like many wars that have led to stalemates and further wars, so it has been with the war on drugs. Forty years after its initiation by President Nixon, we still have not 'won' what has become a world-wide war on drugs. Indeed, this must surely be the costliest war in history. We can only speculate on the total dollar costs to date, and social costs are often not factored in at all. Based on the $30 billion dollar annual figure quoted by the US National Academy of Science in 2001 and the Canadian Auditor General's guess of about $500 million in the same year, if one includes all the countries that have actively pursued the United Nations' 1998 pledge to "eliminate or significantly reduce" the production and use of illicit drugs, the costs are surely by now in the many trillions.

And exactly what have we accomplished? We have permitted the creation of illicit business empires by violent organized crime stakeholders that bridge the globe. This has led to intense competition for 'market share', that is, the murder of competitors or anyone else that stands in the way of profits. At home we continue to see victims of drug dependence among the

homeless; sufferers of AIDS, hepatitis and other diseases; and, of course, within our prison and penitentiary populations. Among federal inmates we know that close to 80% have been substance abusers prior to arrest and this statistic has not decreased over the last dozen years. While substance abuse programs are available to inmates, some unfortunately manage to continue to obtain and abuse illicit substances while incarcerated.

The first two issues of the 2009 volume of the Justice Report featured a lengthy review of the history of drug prohibition and legislation in Canada and the United States, and we shall not repeat it here. Since then, many books and scores of articles have been published; sometimes, these support the status quo but usually serve rather to underline the senseless and ineffective application of current policies. In Canada, these policies have recently been further exacerbated by the passage of legislation creating mandatory minimum sentences for the cultivation of a relatively small number of marijuana plants, to provide just one example.

Criminal justice has a cost that we must bear and will continue to support when it makes sense. Does it, however, make sense to be spending what some say is $1 billion Canadian each year in enforcement activity that bears no fruit? Does it make sense to maintain the criminalization of cannabis which, even if harmful, may not even compare to the demonstrated disastrous impacts of alcohol and tobacco on public health and society?

In the 1930's the United States introduced prohibition that outlawed alcohol. It did not take too long for criminals to profit from this government action, but it took some years before the government eventually figured that out. Today, in many states one can buy wine and liquor in grocery stores and pharmacies. In Canada today, offering a marijuana cigarette to a friend could be considered a criminal offence that would put the individual doing the offering in prison for six months if prosecuted. At the same time the Government of Ontario, through the Liquor Control Board, feels it is quite appropriate to enclose glossy magazines in our Saturday papers every month or so extolling the pleasures of their alcoholic beverages. Is there an historical parallel? Of course there is. Is there similarity in terms of the impact of abuse of either of these substances? Yes there is. In the case of alcohol and tobacco, governments have realized they can better control usage by profiting from taxation and using their regulatory authority. In the case of drugs, we are still spending vast amounts of capital on attempting to enforce the war on drugs, while the benefits continue to accrue primarily to organized crime.

We were therefore pleasantly surprised by the recent comments of Prime Minister Harper in Cartagena, Colombia, at the end of the Summit of the Americas. In regards to the war on drugs the Prime Minister is quoted as saying: "I think what everybody believes and agrees with, **and to be frank myself**, is that the current approach is not working, but it is not clear what we should do" (Ottawa Citizen / 18-04-12 / A-13). The prime minister is right on both accounts. We cannot be certain what the best approach should be. Should it be decriminalization or legalization of cannabis? Should we stop there, or also take an entirely medical or harm-reduction approach to heroin and permit its use under supervision, medical or other?

While many police agencies are officially in support of drug prohibition, we have heard representation from LEAP – Law Enforcement Against Prohibition – an American based association of current and retired police officers who have a totally different perspective. To quote from their website:

"We believe that drug prohibition is the true cause of much of the social and personal damage that has historically been attributed to drug use. It is prohibition that makes these drugs so valuable – while giving criminals a monopoly over their supply. History has shown that drug prohibition reduces neither use nor abuse. And we believe that by placing drug abuse in the hands of medical professionals instead of the criminal justice system, we will reduce rates of addiction and overdose deaths" (http://www.leap.cc/about/why-legalize-drugs/).

At the same time we need to be cognizant of the policies of our neighbour to the south. The US war on drugs has essentially been imposed upon most allies and given our close trade relationships we cannot afford to ignore this.

Prime Minister Harper has taken a position that goes against the traditional stance in a number of areas. He is well-placed to do so in this area as well. While it is unlikely that whatever steps we take will be radical, if there is a modestly progressive move it will still be bold. If we are guided by evidence-based research, we should be able to progress from at least the modestly progressive to the truly bold.

We have no doubt that if Canada can show intestinal fortitude and move forward on this file, many other countries will follow. Our hope is that serious financial resources will ultimately be reinvested in promoting a wiser approach to drug use, while reducing the opportunities for criminal organizations. If we can do this, we can look forward to far healthier and safer communities.

OÙ NOUS MÈNERA LA GUERRE AUX DROGUES?

PAR IRVING KULIK,
DIRECTEUR GÉNÉRAL, ACJP

L'expression la « guerre aux drogues » a été forgée par le président Richard Milhous Nixon, en 1971, pour lancer le programme américain de lutte contre le fléau de la toxicomanie, particulièrement celle qu'on observait chez un grand nombre de militaires à leur retour du Viet Nam. Cette « guerre » s'est poursuivie avec vigueur à la suite de l'élection de Ronald Reagan à la présidence. Le mot « guerre » se veut un symbole puissant des efforts acharnés déployés pour régler un conflit qui, en règle générale, ne peut pas être résolu sans recourir aux armes. Ainsi, non seulement livre-t-on aujourd'hui une « guerre contre le terrorisme », mais aussi diverses guerres contre l'obésité, contre la malbouffe, contre diverses maladies, etc. Il est ironique que, dans un contexte où on vise à améliorer la santé et la qualité de vie de nos concitoyens, on utilise le mot « guerre » qui a traditionnellement entraîné le massacre de centaines de millions de personnes au cours du siècle dernier. Mais peut-être n'est-ce pas si ironique puisque la première guerre aux drogues, livrée au milieu du 19e siècle, impliquait l'invasion de la Chine dans le but d'ouvrir le marché chinois de l'opium aux marchands britanniques et américains.

Comme bien des guerres, la « guerre aux drogues » a mené à une impasse, puis à d'autres guerres. Quarante ans après avoir été déclarée par le président Nixon, nous n'avons toujours pas « gagné » ce qui est devenu une guerre aux drogues à l'échelle mondiale. Cette guerre s'avère sans doute la plus coûteuse de l'histoire. On ne peut que spéculer au sujet des sommes qui y ont été consacrées à ce jour, et dans bien des cas, on ne tient même pas compte des coûts sociaux. Si on se fie au chiffre de 30 milliards de dollars, avancé par la U.S. National Academy of Science en 2001, et à la somme de 500 millions de dollars, estimée par le vérificateur général du Canada pour cette même année, et si l'on inclut tous les pays qui ont activement donné suite à l'engagement de l'ONU « d'éliminer ou de contribuer à réduire significativement » la production et la consommation de drogues illicites, les coûts ont certainement atteint plusieurs billions de dollars à ce jour.

Et qu'avons-nous réalisé précisément ? Nous avons permis que soient érigés des empires commerciaux illicites par des personnes et entreprises violentes, liées au crime organisé et ayant des emprises partout sur la planète. Cela a donné lieu à une concurrence féroce pour des parts de marché, entraînant l'assassinat de concurrents ou de toute personne faisant obstacle aux profits. Chez nous, nous continuons de voir des victimes de toxicomanie dans les rangs des sans-abri; des gens souffrant du SIDA, d'hépatite ou d'autres maladies; et c'est bien sûr le cas aussi au sein de la population de nos prisons et pénitenciers. Nous savons que près de 80 % des détenus fédéraux avaient déjà abusé d'alcools ou d'autres drogues avant d'être arrêtés et cette statistique ne s'est pas améliorée au cours des douze dernières années. Bien que les détenus aient accès à des programmes de prévention de la toxicomanie, certains parviennent malheureusement à obtenir et à consommer des drogues illicites pendant qu'ils sont incarcérés.

Les deux premiers numéros d'Actualités-Justice de 2009 présentaient un examen en profondeur de l'historique de la prohibition des drogues et des lois qui s'y rattachent au Canada et aux États-Unis ; nous n'allons pas reprendre cet examen ici. Plusieurs livres et des dizaines d'articles sur le sujet ont été publiés depuis; ceux-ci prônent parfois le statu quo, mais servent le plus souvent à souligner l'application insensée et inefficace des politiques actuelles. Au Canada, ces politiques ont récemment été exacerbées par l'adoption de lois instaurant des peines minimales obligatoires pour la culture d'un nombre relativement faible de plants de marijuana, et il s'agit là d'un seul exemple.

La justice pénale comporte certains coûts que nous devons assumer et que nous continuerons d'assumer lorsque cela est indiqué. Est-il indiqué, toutefois, de dépenser une somme que certains établissent à 1 milliard de dollars canadiens annuellement pour des activités de répression qui ne donnent aucun fruit ? Est-il indiqué de continuer à criminaliser le cannabis qui, même s'il était dommageable, pourrait l'être encore moins que les

effets désastreux et démontrés de l'alcool et du tabac sur la santé publique et la société ?

Dans les années 1930, les États-Unis ont décrété la prohibition qui proscrivait la fabrication, la vente et le transport d'alcool. Il a fallu très peu de temps avant que le milieu interlope ne tire profit de cette action gouvernementale, mais il a fallu quelques années avant que le gouvernement en vienne à le réaliser. Maintenant, dans bon nombre d'états américains, il est possible d'acheter du vin et des alcools dans les épiceries et les pharmacies. Aujourd'hui, au Canada, le fait d'offrir une cigarette de marijuana à un ami pourrait constituer une infraction criminelle et entraîner que la personne qui l'offre soit incarcérée pour six mois, si elle était poursuivie. Par ailleurs, le gouvernement de l'Ontario, par le truchement de sa Régie des alcools (LCBO), semble trouver tout à fait convenable d'insérer mensuellement un magazine aux pages glacées dans l'édition du samedi de nos journaux afin d'y chanter les plaisirs que procurent leurs alcools. Existe-t-il un parallèle sur le plan historique ? Bien sûr. Y a-t-il des similitudes en termes de l'incidence de l'une ou l'autre de ces substances ? Oui. Dans le cas de l'alcool et du tabac, les gouvernements ont réalisé qu'ils pouvaient mieux en contrôler la consommation en tirant profit de la taxation et en mettant à contribution leur pouvoir de réglementation. Dans le cas des drogues, nous continuons d'investir massivement dans la guerre aux drogues, alors que c'est essentiellement le crime organisé qui continue d'amasser les profits.

Conséquemment, nous avons été agréablement surpris par les propos récents du premier ministre Harper à l'occasion de la clôture du Sommet des Amériques, qui se tenait à Carthagène (Colombie). Au sujet de la guerre aux drogues, on lui attribue ce qui suit : « Je pense que tous croient et conviennent, **pour être franc moi aussi**, que l'approche actuelle est inefficace, mais ce que nous devrions faire n'est pas clair. » Le premier ministre a raison sur les deux plans. Nous ne pouvons pas être certains de ce qui constituerait la meilleure approche. Serait-il préférable de décriminaliser ou de légaliser le cannabis ? Devrions-nous nous arrêter là ou pousser plus loin et adopter aussi une approche totalement médicale ou de réduction des méfaits relative à l'héroïne et permettre qu'elle soit consommée sous surveillance – médicale ou autre ?

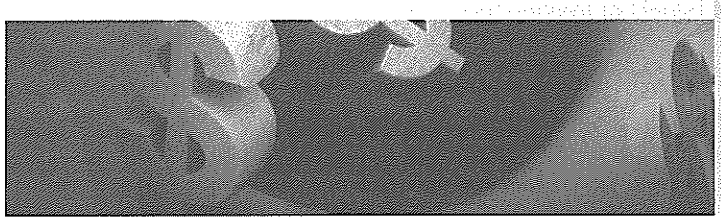
Bien que bon nombre d'organismes policiers soient favorables à la prohibition des drogues, nous sommes sensibles aux représentations de LEAP – Law Enforcement Against Prohibition – une association américaine de policiers en service et à la retraite, dont la perspective est complètement différente. Voici un extrait de leur site Web :

« [Traduction] À notre avis, la prohibition des drogues constitue la vraie cause d'une grande partie des torts causés à la société et aux personnes, des torts qu'on a historiquement attribués à la consommation de drogue. C'est la prohibition qui donne une si grande valeur à ces drogues, tout en conférant aux criminels un monopole sur l'approvisionnement. L'histoire nous démontre que la prohibition ne réduit ni la consommation ni l'abus des drogues. Nous croyons qu'en dirigeant les problèmes de toxicomanie vers des professionnels de la santé plutôt que vers le système de justice pénale, nous parviendrions à réduire les taux de toxicomanie et des décès par surdose. »

Il nous faut en même temps tenir compte des politiques mises en œuvre par nos voisins du sud. La guerre aux drogues que mènent les États-Unis a essentiellement été imposée à la plupart des alliés et, compte tenu de nos rapports commerciaux étroits, nous ne pouvons pas en faire fi.

Le premier ministre Harper va à contre-courant dans bien des domaines. Il est bien placé pour faire de même dans ce domaine aussi. Bien qu'il soit peu probable que les mesures mises en œuvre soient radicales, quelles qu'elles soient, si elles n'étaient que modestement progressistes, elles seraient néanmoins audacieuses. Si nous nous en remettions à la recherche fondée sur des données probantes, nous devrions être en mesure de franchir l'écart qui sépare à tout le moins le modestement progressif du franchement audacieux.

Nous sommes convaincus que, si le Canada peut démontrer suffisamment de cœur au ventre, nous pourrons progresser à ce chapitre et que de nombreux autres pays emboîteront le pas. Ce que nous espérons, c'est que des ressources financières importantes soient en définitive réinvesties pour promouvoir une approche plus sage de consommation de drogue, tout en minimisant les possibilités qui s'offrent aux organisations criminelles. Si nous y parvenons, nous pourrons nous réjouir à l'idée d'avoir des collectivités en bien meilleure santé et plus sûres.



A STUDENT'S PERSPECTIVE ON ADDICTION AS A DISEASE

BY DEBORAH ALSTON, Recipient of the 2011 ACJA/CCJA scholarship at Mount Royal University
Department of Justice Studies, Mount Royal University, March 2012

We hear a great deal about addiction, whether related to smoking, alcohol, drugs, sex, gambling, coffee, or even food; the list is endless. Addictions may affect our society in many ways resulting in increased crime and/or use of our health care system and social services, such as treatment programs. Many people believe that addictions only affect the lower socio-economic strata of society such as those who are either poor or involved in the criminal justice system. In reality, it is possible for anyone to have an addiction; it crosses all socio-economic and cultural lines.

A different way of thinking has entered the world of addiction studies. Scientists have been studying a theory that addictions are a disease of the mind, and they believe there is solid scientific support for this claim (National Institute on Drug Abuse, 2007). Changing how addictions are defined could minimize the stigma plaguing those living with addiction. I believe that it is important to look at this idea further by considering the research with an open mind. Specifically, this paper will examine the relationship between drug use and crime, the stigma of addiction, addiction as a disease, and the social benefit of treating those with addictions.

THE RELATIONSHIP BETWEEN DRUG USE AND CRIME

I acknowledge that not everyone using or abusing drugs comes into contact with the criminal justice system; however, it has been established that many crimes are committed by offenders who are under the influence of drugs or alcohol (Tremblay, 1999). In some cases intoxication can be used as a defence for a crime. Such a defence gains its authority from the English case of **DPP v Beard [1920]**, known as the Beard rules. The first of the three rules in Beard reads as follows:

> If intoxication induces a mental disorder ("disease of the mind") and renders the accused "not criminally responsible" within the meaning of section 16 of the *Criminal Code*, he or she must be acquitted as being "not criminally responsible on account of mental disorder" (NCRMD) (as cited in Verdun-Jones, 2011, p. 258).

It is interesting to note that this rule uses the phrase *disease of the mind* when defining intoxication as a mental disorder. People living with a severe drug addiction will do almost anything to satisfy their cravings when suffering from unbearable withdrawal symptoms, including hurting loved ones. Regardless of the consequences, they may not have the mental capacity to stop themselves. Is this not a disease of the mind?

It may be true that if such people weren't living with an addiction, they wouldn't be committing a crime. We might be more sympathetic if we knew their circumstances. For example, what if a horrific motor vehicle accident had left them in excruciating pain for months or years and they had become

addicted to prescription medication? Some such people have become reliant on their medication while using it to function. When faced with a situation where addictions are weighed against compliance with the law, addiction will win.

I believe that in such instances when a crime has been committed because of an addiction, the criminal justice system should show a little compassion. These people have committed the offence and should be held accountable, but should also be offered assistance by way of a drug treatment program or counseling. As an example, five cities in Canada have established specialized drug courts to address the specific needs of drug-addicted offenders (Department of Justice Canada, n.d.).

THE STIGMA OF SUBSTANCE USE AND ADDICTIONS

A major obstacle for a person living with an addiction is that society has attached a great deal of stigma to being a substance user (Corrigan, Kuwabara, & O'Shaughnessy, 2009). Many people believe that "users" are the undesirables of society, and perceive them as "weak or bad people, unwilling to lead moral lives and to control their behavior and gratifications" (Leshner, 1997, p. 45). According to Drug Addiction Support (n.d.) "there is always blame to be given, but those suffering from drug addiction disease need treatment, just like diabetics and heart patients...left unchecked, any chronic disease can kill, and drug addiction is a chronic disease" (para. 17).

In my opinion the stigma associated with addiction may be reduced if addictions were classified as a disease.

IS ADDICTION A DISEASE?

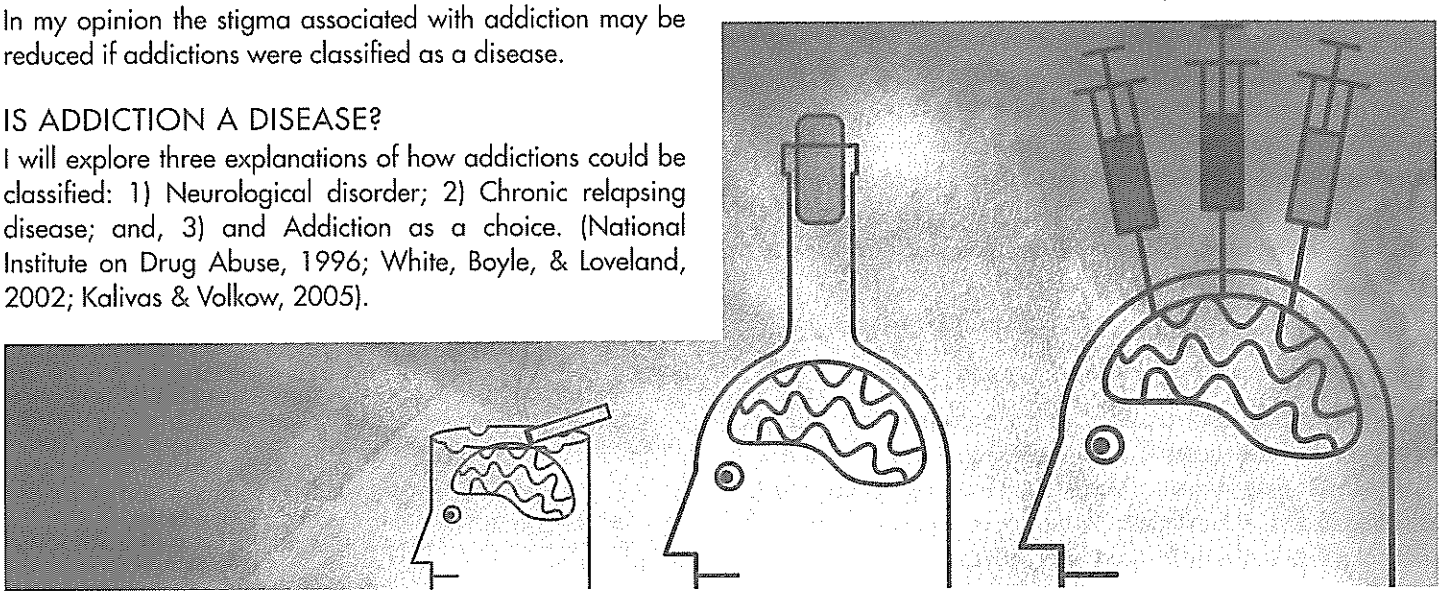
I will explore three explanations of how addictions could be classified: 1) Neurological disorder; 2) Chronic relapsing disease; and, 3) and Addiction as a choice. (National Institute on Drug Abuse, 1996; White, Boyle, & Loveland, 2002; Kalivas & Volkow, 2005).

ADDICTION AS A NEUROLOGICAL DISORDER

Hughes (1997) believes that addictions develop into long-term mental and physical neurological disorders, and the "emotional 'feelings' involved in drug or alcohol seeking are based in neurology" (para.3). Hughes states that "physical dependency is created by altered neurotransmitter balances..." (1997, para. 3). Hughes believes that "after drug withdrawal, long-term overpowering cravings are predictable", they are "spontaneous nerve impulses", and that these "overwhelming cravings are outside the addicts' control" (1997, para. 3). Hughes and other scientists believe that addictions can be a neurological disorder, but some go as far as to say it is a chronic relapsing disease.

ADDICTION AS A CHRONIC RELAPSING DISEASE

Leshner (1997) says that: "scientific advances over the past 20 years have shown that drug addiction is a chronic, relapsing disease that results from the prolonged effects of drugs on the brain" (p. 45). Unfortunately, says Leshner most people see "drug abuse and addiction as social problems, to be handled only with social solutions, particularly through the criminal justice system" (1997, p. 45). Leshner believes that drug abuse and addiction are both health and social problems; failure to recognize this may result in significant delays in addressing the drug abuse problem (1997, p.45). The most effective treatment approaches will include biological, behavioral, and social-context components (Leshner, 1997,



p.45). If addictions were proven to be a chronic relapsing disease, we could move forward and begin appropriate treatment. However, some scientists oppose this view and believe that those living with an addiction do so as a result of a conscious choice.

ADDICTION AS A CHOICE

One of the proponents of addiction as a choice is Dr. Jeffrey Schaler (2000). He states:

> Addiction is a choice. It refers to something a person does, not to something a person has... Addiction is, by definition, voluntary, arising from one's own free will...there is no such thing as addiction. The word "addiction" describes nothing. It is... a behavior, a way of life (para. 2).

Schaler has caused an uproar in the world of addictions with his views; they are not met favorably with scientists whose research says otherwise (Hughes, 1997; Leshner, 1997; National Institute on Drug Abuse, 1996). Regardless of the conflicting views offered here, another controversial issue presents itself, and that is whether those with substance abuse issues have the right to treatment.

SUBSTANCE ABUSE TREATMENT

Do people with a substance abuse problem have the right to treatment? If the answer is yes, what resources are available, and who pays for it? Many Canadians believe that those who have *allowed* themselves to become addicted, certainly don't deserve treatment to be paid for by the public health care system, or their employee benefits provider (Health Canada, n.d.).

It is my opinion that people living with addictions need treatment, and these people should be provided that service. Access to comprehensive health care should be a basic human right. In addition, treating people with addictions may be a valuable use of resources.

AN ALTERNATE PERSPECTIVE: SOCIAL RETURN ON OUR INVESTMENT

Proponents of substance abuse treatment programs have found that those who have successfully completed programs will become more self-sufficient, requiring less support from the government: including accessing health care, social service agencies, and the criminal justice system (Alberta Health Services, 2007).

The long-term benefits of a treatment program far outweigh the initial costs involved. A person successfully completing a program will pay back society in the years to come. One way is by increased days of legitimate employment and decreased job absences, which can yield increased income and tax revenues (National Institute on Drug Abuse, 1999, para. 17). When considering offenders who are living with addictions, an indirect benefit of substance-abuse treatment programs may be a reduction of crime-related costs for apprehending, trying, and incarcerating offenders, which is a considerable total benefit that exceeds the cost of treatment several times over (National Institute on Drug Abuse, 1999, para.19).

For offenders and non-offenders alike, a substance abuse treatment program could see a cost-benefit ratio of 5:1. If just one successful person has increased income, tax payments, and fewer monies spent by social services and the criminal justice system, it could generate $500,000 in savings, while the treatment program costs $100,000 (National Institute on Drug Abuse, 1999, para. 20-21).

CONCLUSION

It is important that we consider the possibility that those living with an addiction have a disease of the mind. No one chooses to have an addiction. If classifying addictions as a disease of the mind will help reduce stigma of addiction and treatment, then I offer my support. If people with addictions are successfully treated, this in turn will benefit the criminal justice system and reduce crime in Canada.

It is my hope that society embrace the scientific evidence that people living with addictions have a disease. In doing so, we could discover that by simply changing our perceptions, the outcome can be a very positive one. By showing compassion and caring to those in our community who are living with an addiction, they will receive the necessary treatment, and leave their addictions behind.

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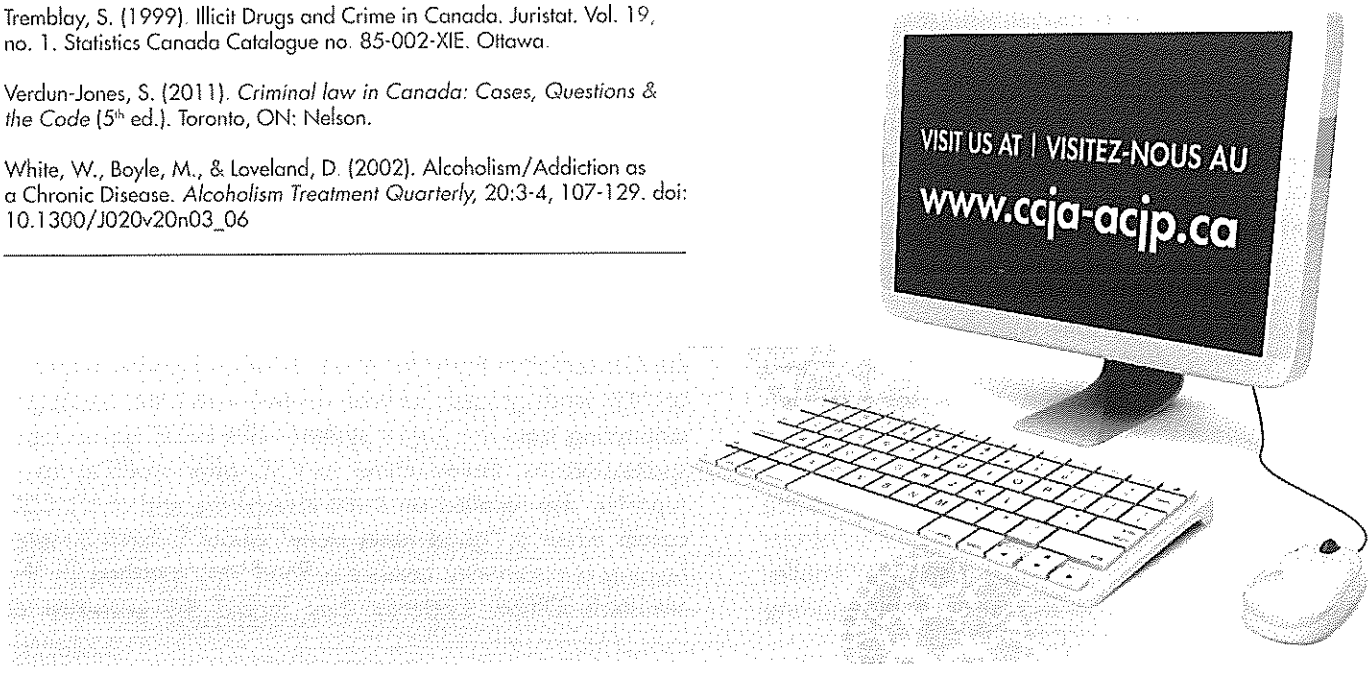
RETRACTION NOTICE

***Justice Report* Volume 27/No. 1, p. 8**

In the article "The Canadian Experience Leading up to the Enactment of Bill C-10", please note that certain quotes attributed to the Correctional Investigator of Canada, Mr. Howard Sapers, were in fact paraphrases made by *The Hill Times* journalist T. Naumetz. We certainly regret the error.



WHO IS SPINNING WHOM?

Vancouver Island Criminal Justice Association explores the uneasy relationship between the media and the justice system.

BY STEPHEN HOWELL, M. Phil.

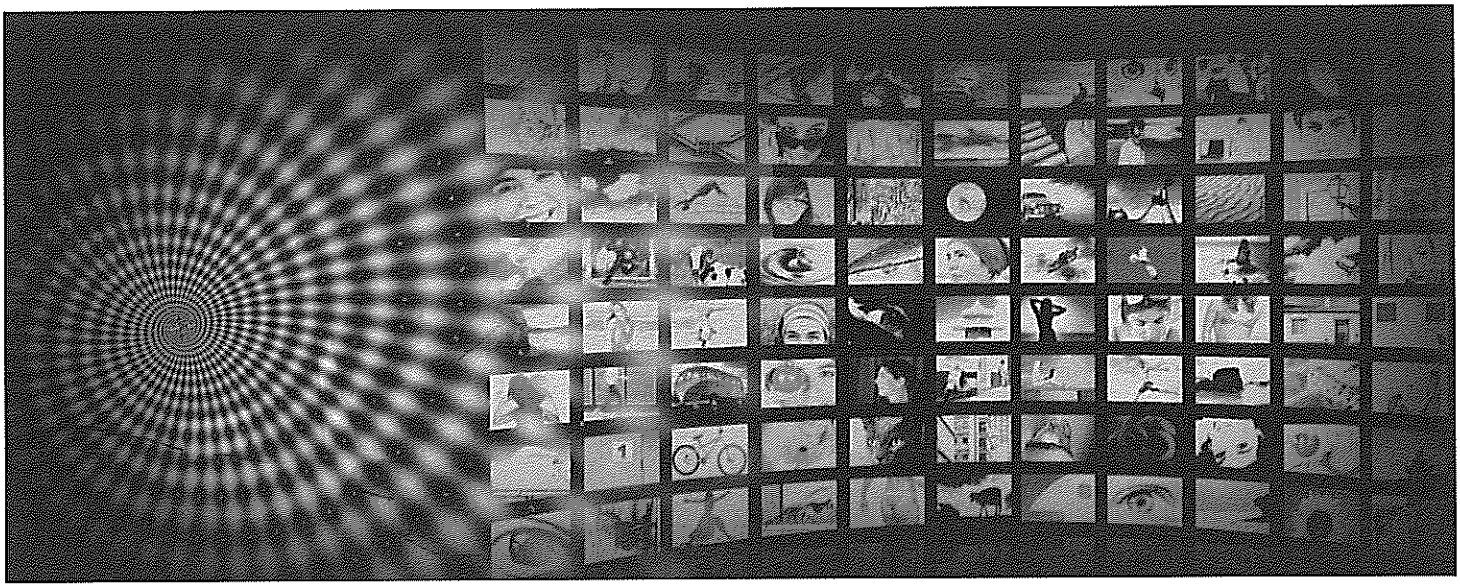
In a recent appearance at Carleton University the Right Honourable Beverley McLachlin, Chief Justice of Canada, opened her remarks by quoting a veteran American court reporter who described his profession, perhaps with tongue partially in cheek, as follows: "For the most part we are untrained and deadline crazed, with short attention spans and an inbred preference for heat over light and simplicity over nuance." [1] It was a description that might be endorsed by many criminal justice officials who have endured frustrating encounters with the Fifth Estate. Madam Justice McLachlin qualified her comments by noting that "inaccurate, unfair or sensationalized reportage" is "fortunately rare"[2] in Canada.

One Canadian journalist and lawyer who might consider Justice McLachlin's assessment rather generous is Peter McKnight, author of *The Funhouse Mirror: Media Representations of Crime and Justice*. McKnight contends that the media systematically distorts the nature and seriousness of crime, with significant consequences, such as public support for counterproductive crime control policies.[3]

On February 23rd 2012, a number of current and former journalists were invited to wrestle with these issues at the University of Victoria during a public forum sponsored by the Vancouver Island Criminal Justice Association. Ian Haysom, News Director at Global TV in British Columbia, surprised some when he suggested that "crime doesn't sell in Canada", at least, he added, in comparison to the U.S. market, which has a far greater appetite for salacious details. Haysom regretted that Canada is moving to "smaller and less aggressive" newsrooms as conventional reporting competes with other forms of news dissemination. News media are losing advertising dollars to other venues, resulting in lower budgets and less investigative reporting.

The topic was placed in scholarly context by Dr. Lynne Van Luven, Associate Dean of the Department of Writing at the University of Victoria. She recounted how "spinning a yarn" was once a positive activity intended to provide innocent entertainment. The term "spin doctor" was first used by the New York Times in 1984, and the concept of "spin" now has sinister connotations. While we expect spin from politicians, it has become ubiquitous, infecting media outlets themselves. Dr. Van Luven, herself a former journalist, argued the principled position that spin is the enemy of truth, sometimes the source of moral panic, and a practice with no place in responsible journalism.

Other panelists were more cynical about the inevitability of spin. Victoria Times-Colonist columnist Les Leyne has said he lives in a political world of constant spin, where there are few absolute, factual truths. Retired Correctional Service of Canada media spokesperson Dennis Finlay reflected that, even before the election of the Harper Government, the Conservative Party focus on crime and justice required greater and greater central control over the messages emanating from the justice system. Like many government spokespersons, Finlay came to CSC after working as a reporter. He recalled an event toward the end of his CSC career when a "good news story" about federal inmates helping a community combat a flood was quashed by the Minister's Office. Evidently they feared the presence of



minimum security offenders in the community would not be universally applauded.

Questions and comments from the floor were diverse and provocative. One participant decried the media focus on specific crime events, at the expense of insight into trends and systemic issues. Another suggested there had been collusion between the media and police during the G20 in Toronto (a notion dismissed as improbable by Global's Ian Haysom). Just as the media is constrained by deadlines and space allocations, so too the Victoria panel eventually ran out of time. Many intriguing questions were left for another place and time. The role of entertainment media, for example (novels, movies, television programs), in the construction of public attitudes to criminal justice, remained unexplored in this forum.

The moderator for the evening was Dr. Nick Russell, former Professor of Journalism at the University of Regina and author of *Morals and the Media: Ethics in Canadian Journalism.*[4] Dr. Russell noted a number of similarities between the justice system and the media, including the compromises required by fiscal restraint. Both enterprises have some systemic flaws, he observed, as well as some flawed peopled working in them. But like Ian Haysom, Dr. Russell characterized Canadian media as relatively "moderate and calm". Given the changes occurring in both media and justice, he stressed the need to rework the relationship.

Just a few weeks earlier, Madam Justice McLachlin expressed remarkably similar sentiments. She said that "the media and the courts are locked in a mutual, if sometimes uncomfortable, embrace. As the media invent and re-invent themselves, so must judicial understanding evolve of how we relate to the media."[5] Peter McKnight talks about the responsibility of journalists to understand how their reporting, in the absence of context, can distort reality. On the other hand, he says that justice officials need to understand the nature of journalism, and to work strategically to communicate their messages. Ultimately, all media consumers have a right to tell media representatives what we expect of them and, like any other business, they should pay attention. "We are all responsible for the distorted picture of crime we see, and we are all responsible for modifying that picture. The media might always reflect reality like a funhouse mirror, but anyone can reshape its contours."[6]

ENDNOTES

[1] Mauro, T., " Five Ways Appellate Court Can Help the News Media " *Journal of Appellate Practice and Process.* (311-312). UALR William H. Bowen School of Law. 2007.

[2] McLachlin, B. " The Relationship between the Courts and Media " *Remarks at Carlton University, January 31, 2012.* Retrieved April 2, 2012 from http://www.scc-csc.gc.ca/court-cour/ju/spe-dis/index-eng.asp

[3] McKnight, P. *The Funhouse Mirror: Media Representations of Crime and Justice.* In Roberts, J. and Grossman, M. (Eds.) *Criminal Justice in Canada: A Reader. Fourth Edition.* Toronto: Nelson. 2011. (pp. 44 – 54)

[4] Russell, M. *Morals and the Media: Ethics in Canadian Journalism. Second Edition.* Vancouver: UBC Press. 2005.

[5] McLachlin, B., ibid.

[6] McKnight, P., ibid. p. 52

CALL FOR PAPERS
APPEL DE COMMUNICATIONS

DEADLINE DATE LIMITE: **01-11-2012**

34th Canadian Congress on Criminal Justice
2013
Congrès canandien de justice pénale 34e

You are cordially invited to submit an abstract for a presentation at the 2013 Congress under the theme:

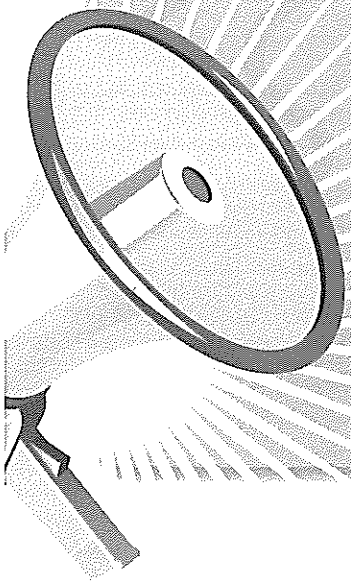
Vous êtes cordialement invités à présenter une proposition de communication dans le cadre du Congrès 2013 sous le thème suivant :

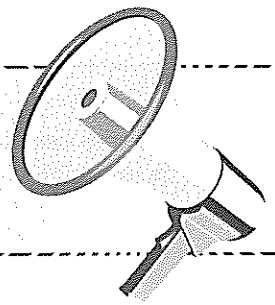
21st Century Justice: The Economics of Public Safety

La justice du 21e siècle : Les aspects économiques de la sécurité publique

This event is being organized by the Canadian Criminal Justice Association and the British Columbia Criminal Justice Association and will be held from October 2 to 5, 2013, at the Hyatt Regency Vancouver, in beautiful downtown Vancouver, British Columbia.

Cet événement, organisé par l'Association canadienne de justice pénale et l'Association de justice pénale de la Colombie-Britannique, se tiendra du 2 au 5 octobre 2013 à l'Hôtel Hyatt Regency Vancouver au centre-ville de Vancouver, Colombie-Britannique.





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Appel de communications

Sub-themes and possible topics of presentation include:
Sous-thèmes et sujets d'exposés possibles :

RESPONDING TO CIVIL UNREST COMMENT RÉAGIR À L'AGITATION SOCIALE

Over the course of the last few years we have seen the growth of widespread civil unrest including serious incidents in Toronto, Vancouver, and Montreal, as well the "occupancy" phenomenon across North America. Will this phenomenon continue? How should the justice system respond? Topics could include:

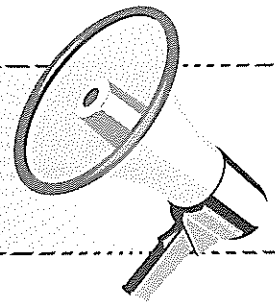
Nous avons été témoins au cours des dernières années d'une vague croissante d'agitation sociale qui s'est traduite par des incidents graves à Toronto, Montréal et Vancouver, de même que par le phénomène d'occupation qui s'est répandu en Amérique du Nord. Ce phénomène va-t-il perdurer? Comment le système de justice devrait-il réagir? Différents sujets pourraient être abordés sous ce thème :

- **Eurozone disintegration, effect on public order and safety, carry over to North America**
  La désintégration de la zone euro, ses incidences sur l'ordre et la sécurité publics, ses prolongements en Amérique du Nord
- **The "Occupy Movement"** Le mouvement d'occupation
- **G-20 and Stanley Cup rioting, justice system response this time, and the next time...?**
  Les émeutes liées au G-20 et à la coupe Stanley, la réaction du système de justice à cette occasion ... et la prochaine fois?
- **The growth and influence of gangs/readily visible organized crime**
  La prolifération et l'influence des gangs de rue, une forme de crime organisé facilement observable
- **Aboriginal blockades, treaty negotiation and disputes**
  Les barricades autochtones, les négociations de traités et les querelles qui s'y rattachent

CRIME AND PUNISHMENT CRIME ET CHÂTIMENT

Potential content might include: Sous-thèmes et sujets d'exposés possibles :

- **Redefining crime as a factor of economic circumstances/necessity**
  Redéfinir la criminalité en tant que résultante de conditions économiques ou d'une nécessité
- **Systemic restructuring/cooperation "between the silos"**
  La restructuration ou la coopération systémique entre les silos
- **Changing Ideologies - deterrence or denunciation?**
  Des idéologies en évolution : penser dissuasion ou dénonciation?
- **Changing Ideologies - least restrictive response vs. proportional response**
  Des idéologies en évolution : faut-il favoriser l'approche la moins restrictive ou une approche proportionnelle à la gravité de l'infraction?
- **Statistical realities** La réalité dépeinte par les statistiques
- **Crime reporting vs under-reporting** La déclaration et la sous-déclaration de criminalité
- **Public safety, fear and politics** Sécurité publique, peur et fins politiques
- **Public notifications as shaming/additional punishment/ public safety?**
  Les avis à la population axés sur la honte constituent-ils une peine supplémentaire ou une mesure de sécurité publique?
- **New economics service delivery models - government, NGOs, for-profit, public/ private partnerships, emerging options** La prestation de services dans le cadre de la nouvelle économie : les approches des gouvernements, des ONG, des organismes à but lucratif, les partenariats public/privé (PPP), les options émergentes
- **The aging prison population** Le vieillissement de la population carcérale
- **The challenges of rising mental health issues in criminal justice**
  Les difficultés que posent les problèmes de santé mentale croissants dans le système de justice pénale



Call for papers
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SOCIAL JUSTICE JUSTICE SOCIALE

The social, cultural and financial dynamics that form the milieu in which the justice system will operate going forward. Topics could include:

Un aperçu des composantes sociales, culturelles et financières du milieu dans lequel le système de justice évoluera désormais. Sous-thèmes et sujets d'exposés possibles :

- **The economics of prohibition**
  Les considérations économiques liées à la prohibition
- **Insite - Vancouver's safe injection site**
  Insite – le site d'injection supervisé de Vancouver
- **Investment options - growing public debt, a graying population, the demands of health, education, leisure and the arts**
  Les facteurs ayant une influence sur les options d'investissements : une dette publique croissante, une population vieillissante, les demandes afférentes à la santé, l'éducation, aux loisirs et aux arts
- **Responding to emotionally disturbed persons in conflict with the law (e.g. Braidwood Inquiry)**
  Comment réagir aux personnes perturbées émotionnellement aux prises avec la justice (p. ex. l'enquête Braidwood)
- **Missing Women's Task Force (responding to Pickton)**
  Le Groupe de travail sur les femmes disparues (en réaction aux victimes de Pickton)
- **Ethno cultural issues and challenges**
  Les enjeux et les défis ethnoculturels
- **Growth in Aboriginal prison populations**
  La croissance du nombre d'Autochtones en milieu carcéral

PRESERVING THE RULE OF LAW PRÉSERVER LA PRIMAUTÉ DU DROIT

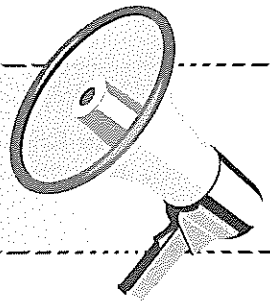
Chief Justice McLachlin has spoken frequently about the financial barriers to justice in Canadian courts. BC has recent experience with the wide-spread dismissals of cases due to the passage of time from charge to trial. Legal aid lawyers have begun withdrawing services. Against those examples, there is a need to discuss how the system ensures the credibility of the rule of law. Topics could include:

La très honorable Beverley McLachlin, juge en chef du Canada, a souvent traité des obstacles financiers à la justice qui se dressent dans les tribunaux canadiens. La Colombie-Britannique a récemment été le théâtre de poursuites rejetées à grande échelle en raison de délais trop longs entre la mise en accusation et le procès. Certains avocats de l'aide juridique ont commencé à refuser leurs services. Dans ce contexte, il faut discuter de comment le système assure la primauté du droit de manière crédible. Sous-thèmes et sujets d'exposés possibles :

- **Workable alternatives to the current legal aid model**
  Des mesures réalisables en remplacement de l'approche actuelle de l'aide juridique
- **The proliferation of specialized courts** La prolifération de tribunaux spécialisés
- **Mandatory minimum sentencing** Les peines minimales obligatoires
- **Alternatives to conventional justice** Les mesures de rechange à la justice conventionnelle
- **Impact of the Charter - unintended consequences?**
  L'incidence de la Charte – des conséquences imprévues?
- **Demographics and the costs of staff retention**
  Les facteurs démographiques et les coûts de rétention du personnel
- **Dealing with new technology** Apprivoiser les nouvelles technologies

It should be noted that the special needs of youth, aboriginal Canadians and immigrant communities may attract their own focus under each of the sub-themes.

Soulignons que les besoins spéciaux des jeunes, des Autochtones canadiens et des communautés d'immigrants pourraient faire l'objet d'une considération particulière en lien avec chacun des sous-thèmes.



Call for papers
Appel de communications

FORMAT OF PRESENTATIONS MODES DE PRÉSENTATION

Presentations may take the form of a debate, be instructional, be a presentation of research results, innovative projects, institutional projects, etc.

Les propositions de communication peuvent prendre la forme d'un débat, être formatives, présenter des résultats de recherche, des projets novateurs, des milieux, etc.

- **LANGUAGE OF PRESENTATION** LANGUE DE PRÉSENTATION
  Presentations can be made in English, French, or both. Simultaneous translation will be available for certain presentations. Les présentations pourront se faire en anglais, en français ou dans les deux langues. L'interprétation simultanée sera offerte pour certains ateliers.

- **WORKSHOPS & PRESENTATIONS (90 MIN.)** LES ATELIERS (90 MIN.)
  Presentations by several individuals or organizations (two to three) on a given theme. Resource-persons must guide the exchange and discussion with the participants.
  Présentation par plusieurs personnes ou organismes (deux ou trois), sur un même thème. Les personnes ressources doivent accorder une attention spéciale aux échanges et aux discussions avec les participants.

- **POSTER COMMUNICATIONS** AFFICHES SCIENTIFIQUES
  Research results or practitioner experiences that are best presented with a visual aid.
  Des résultats de recherche ou des expériences de praticiens pouvant être présentés avec plus d'à-propos au moyen de supports visuels

- **DOCUMENTARIES OR SHORT FILMS (90 OR 180 MIN.)**
  DOCUMENTAIRES OU COURTS MÉTRAGES (90 OU 180 MIN.)
  Research teams or organizations wanting to inform, share, or sensitize the public on real-life experiences may use film media. It is recommended that time be reserved for discussion with the participants on the content of the presentation or the project as a whole.
  Présentation d'organismes ou d'équipes de production désirant informer, sensibiliser ou partager avec le grand public une expérience tirée d'une réalité d'intérêt criminologique ou victimologique. Il est recommandé de prévoir un temps de discussion avec les participants tant sur le contenu de la présentation ainsi que sur le projet dans son ensemble.

HOW TO SUBMIT A PRESENTATION
COMMENT SOUMETTRE UNE COMMUNICATION

Your proposal can be submitted by completing the form available for this purpose on the web site of the Canadian Criminal Justice Association at www.ccja-acjp.ca and forwarding it to the Association by

E-MAIL at ccja-acjp@rogers.com, by

FAX at 613-725-3720, or by

MAIL at 320 Parkdale Avenue, Suite 101, Ottawa, Ontario, K1Y 4X9.

The research committee will prioritize presentations for the above topics. If your presentation does not fit in directly with the above topics, the committee will take into account the importance of the subject, the research value, its pertinence and the breadth of the actions proposed in practice.

Vous devez inscrire votre proposition sur le formulaire disponible à cette fin sur le site de l'Association canadienne de justice pénale à l'adresse www.ccja-acjp.ca et le retourner à l'Association par

COURRIEL à ccja-acjp@rogers.com, par

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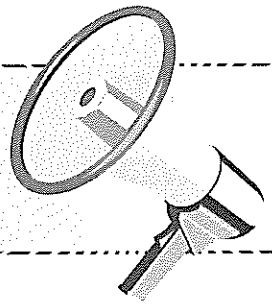
Le comité scientifique accordera la priorité aux propositions qui établissent un lien avec le thème du colloque et les sous-thèmes présentés ci-dessus. Advenant que votre présentation ne traite pas directement de l'un de ces sujets, les critères de sélection seront les suivants : l'importance de la problématique, la valeur scientifique du propos ou la pertinence et la portée des actions pour la pratique.



Call for papers
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IMPORTANT INSTRUCTIONS AND DATES
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All presenters and co-presenters at the Congress must pay registration fees.
Tous les présentateurs et coprésentateurs présents au colloque doivent payer les frais d'inscription.

DEADLINE FOR SUBMISSIONS: NOVEMBER 1ST, 2012
DATE LIMITE DES SOUMISSIONS : LE 1ER NOVEMBRE 2012

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RÉPONSE AUX SOUMISSIONNAIRES : LE 15 JANVIER 2013

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2012 EDITION / ÉDITION 2012

DIRECTORY OF JUSTICE SERVICES
RÉPERTOIRE DES SERVICES DE JUSTICE

(ISSN: 0225-4115)

The Canadian Criminal Justice Association publishes the Directory of Justice Services on an annual basis. There is no other book like it in Canada. It provides complete addresses, telephone and fax numbers, e-mail and web page addresses, and names of persons responsible for most justice services in Canada: police commissions, RCMP divisions, legal aid services, crime compensation boards, ombudsmen, courts, parole boards, correctional services for juveniles and adults, prisoner aid agencies, court workers, voluntary organizations, etc.

Ce livre est publié annuellement par l'Association canadienne de justice pénale et contient les adresses, les numéros de téléphone et de télécopieur, les adresses de courriels et de page web, ainsi que les noms des personnes responsables de la majorité des services de justice au Canada : divisions de la GRC, commissions des droits de la personne, services d'aide juridique, académies de police, protecteurs du citoyen, tribunaux, commission des libérations conditionnelles, services correctionnels (jeunes/adultes), aide aux prisonniers, auxiliaires de justice, organismes bénévoles, etc.

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DEADLINE: JULY 12, 2012 •• DATE LIMITE : 12 JUILLET 2012

NATIONAL RON WIEBE RESTORATIVE JUSTICE AWARD 2012
PRIX NATIONAL DE LA JUSTICE RÉPARATRICE RON WIEBE 2012

CALL FOR NOMINATIONS •• DEMANDE DE MISES EN CANDIDATURE

The Restorative Justice Division of the Correctional Service of Canada (CSC) is pleased to announce that it is now accepting nominations for the **2012 National Ron Wiebe Restorative Justice Award**. The 14th annual Ron Wiebe Award will be presented on November 19th, 2012 during the National Restorative Justice Symposium Banquet in Winnipeg, Manitoba.

This award recognizes individuals or groups who incorporate the restorative justice approach in their work, community service and/or lifestyle. It celebrates the innovative ways in which people transform human relations by enabling and promoting communication and healing between people in conflict – whether they are victims, offenders, colleagues, family or community members.

The award is open to all Canadians who model restorative justice principles in the service of justice and peace. Please feel free to distribute this Call for Nominations to criminal or social justice agencies, faith groups, schools, local neighbourhood coalitions, and other communities in your network.

For further information on the National Ron Wiebe Restorative Justice Award, the nomination criteria or the nomination process, please visit the **Restorative Justice Division's Web site**, email **nominationronwiebe@csc.gc.ca** or contact Jessica Walker at 613-992-8390.

La Division de la justice réparatrice du Service correctionnel du Canada (SCC) a le plaisir d'annoncer qu'elle accepte dès maintenant les mises en candidature pour le prix national de la justice réparatrice Ron Wiebe 2012. Le 14e prix annuel de la justice réparatrice Ron Wiebe sera remis le 19 novembre 2012 au cours du banquet du Symposium national sur la justice réparatrice, qui aura lieu à Winnipeg, au Manitoba.

Ce prix vise à récompenser les personnes ou les organisations qui intègrent l'approche de la justice réparatrice dans leur travail, les services communautaires ou leur mode de vie. Le prix Ron Wiebe met à l'honneur les façons novatrices de transformer les relations humaines, notamment en permettant et en favorisant la communication et la guérison entre des personnes en situation conflictuelle, qu'il s'agisse de victimes, de délinquants, de collègues, de membres d'une famille ou d'autres membres de la collectivité.

Tous les Canadiens qui mettent les principes de la justice réparatrice au service de la justice et de la paix sont admissibles à ce prix. N'hésitez pas à transmettre cette demande de mises en candidature aux organismes de justice pénale ou sociale, aux groupes confessionnels, aux écoles, aux coalitions locales de voisins et à d'autres communautés de votre réseau.

Pour obtenir plus de renseignements sur le prix national de la justice réparatrice Ron Wiebe, sur les critères de mise en candidature ou sur le processus de mise en candidature, veuillez consulter **le site Web de la Division de la justice réparatrice**, écrire à l'adresse courriel **nominationronwiebe@scc.gc.ca** ou communiquer avec Jessica Walker au 613-992-8390.

9 AU 14 JUILLET 2012

RAPPEL: LES RÉSEAUX DU CRIME MONDIALISÉ : CYBERCRIMES, TERRORISMES, MAFIAS
GLOBALIZED CRIME NETWORKS: CYBERCRIMES, TERRORISM AND MAFIAS

L'Équipe de recherche sur la délinquance en réseaux (ERDR) du CICC, en collaboration avec le Centre d'études et de recherche internationale de l'Université de Montréal (CÉRIUM), organisera du 9 au 14 juillet 2012 sa première école d'été intitulée ***« Les réseaux du crime mondialisé : cybercrimes, terrorismes, mafias »***. Cet évènement sera offert en français et en anglais. Les écoles internationales d'été du CÉRIUM sont destinées aux praticiens, étudiants et citoyens qui veulent comprendre un monde qui change. Ces écoles intensives de six jours regroupent chacune une dizaine d'experts et sont destinées aux membres d'ONG, de la fonction publique, aux journalistes, aux diplomates, aux professeurs et formateurs, aux cadres d'entreprises, aux citoyens intéressés ainsi qu'aux étudiants des cycles supérieurs et de fin de baccalauréat. Les sujets discutés incluront le trafic de drogue international, les groupes criminalisés (Italie, Amérique du Sud, Amérique du Nord), le terrorisme, la cybercriminalité et les crimes de guerre.

À NOTER QUE LA FORMATION PERMET L'OBTENTION DE CRÉDITS UNIVERSITAIRES.
Information en français : http://www.cerium.ca/Les-reseaux-du-crime-mondialise
English Information: http://www.cerium.ca/Globalized-Crime-Networks

Canadian Criminal Justice Association

Association canadienne de justice pénale